

REMARKS

This amendment is responsive to the Office Action dated March 27, 2003. Following the instant Amendment, Claims 1, 3, 5-8, 10-14, and 19-20 are pending in the present application. Claims 1, 14, and 19 are hereby amended. Claims 2, 4, 9, and 15-18 are hereby cancelled. Applicants have specifically addressed each and every one of the rejections in the amendments and remarks herein. Thus, Applicant respectfully submits the remaining claims, as amended herewith, are allowable and an early notification of allowance is requested.

Applicant notes the courtesy and cooperativeness extended by the Examiner during a telephone conference with Applicant's counsel on September 25, 2003. Applicant has amended the claims in accordance with the suggestions presented by the Examiner during the telephone conference to achieve allowable subject matter.

This response is being filed within six (6) months from the mailing date of the Office Action and a Petition for an Extension of Time is filed herewith along with the appropriate fee in the accompanying credit card payment form.

I. Claim Rejections – 35 USC §102

Applicant notes with appreciation that the previous rejection of Claims 1, 2, 5, and 7 under 35 USC 102(b) as being anticipated by Russo are withdrawn.

The Office Action rejected **Claim 1** under 35 USC 102(b) as being anticipated by West US Pat. No. 5,572,800 ("West"). Applicant respectfully traverses the rejection and asserts that **Claim 1** is novel and patentable in view of the remarks and/or amendments set forth herein.

It is well settled that an anticipatory reference must teach each and every one of the limitations of the claim(s) alleged to be anticipated thereby. Applicant has amended **Claim 1** to incorporate limitations from now cancelled Claims 2, 4, and 9 in addition to **Claim 17**, which limitations are not taught by West. As a result, because West fails to disclose all of the limitations of Applicant's invention as claimed, Applicant respectfully requests withdrawal of the rejection of **Claim 1** thereunder. Furthermore, the amendment renders the objections raised in the Office Action moot, and Applicant will not address them at this time but reserves the right to do so at a future time if an issue should arise with respect thereto.

III. Claim Rejections – 35 USC §103(a)

The Office Action rejected **Claims 11 and 12** under §103(a) as being unpatentable over West in view of US Pat. No. 5,698,166 to Wonka et al. ("Wonka"). Applicant respectfully traverses the rejection and the modification, combination and interpretation of the references.

It is well settled that in order for a modification or combination of the prior art to be valid, the prior art itself must suggest the modification or combination. Neither of the references suggests a reason to modify and combine the references as proposed.

In addition, even if the modification and combination were legally justified, it still would not render Applicant's claimed invention obvious. Applicant has amended Claim 1, from which Claims 11 and 12 depend, to incorporate limitations from now cancelled Claims 2, 4, and 9 in addition to Claim 17, which limitations are not taught by West and the combination thereof with Wonka would not render the Claims obvious. As a result, because West fails to disclose all of the limitations of Applicant's invention as claimed and the combination of Wonka does not render the same obvious, Applicant respectfully requests withdrawal of the rejection of Claims 11 and 12 thereunder. Furthermore, the amendment renders the objections raised in the Office Action moot, and Applicant will not address them at this time but reserves the right to do so at a future time if an issue should arise with respect thereto.

The Office Action rejected **Claims 1-5, 7-10, 13-16, and 18-20** under 35 USC 103(a) as being unpatentable over McDowell in view of Vick et al. ("Vick"). Applicant respectfully traverses the rejection, combination, and modification of the references and asserts that the claims are unobvious in view of the remarks and/or amendments set forth herein.

It is well settled that in order for a modification or combination of the prior art to be valid, the prior art itself must suggest the modification or combination. Neither of the references suggests a reason to modify and combine the references as proposed.

In addition, even if the modification and combination were legally justified, it still would not render Applicant's claimed invention obvious. Applicant has amended independent Claim 1, from which dependent claims 3, 5-8, 10-13 depend, to incorporate the limitations of cancelled

Claims 2, 4, 9, and 17. Applicant has amend Claim 14 to incorporate the limitations of cancelled Claims 15-18 and has amended Claim 19 to incorporate the limitations of cancelled Claim 17. The limitations incorporated into independent claims 1, 14 and 19, and as a result into the dependent claims, if any, are not taught by McDowell and the combination thereof with Vick would not render the Claims obvious. As a result, because McDowell fails to disclose all of the limitations of Applicant's invention as claimed and the combination of Vick does not render the same obvious, Applicant respectfully requests withdrawal of the rejection of the claims thereunder. Furthermore, the amendment renders the objections raised in the Office Action moot, and Applicant will not address them at this time but reserves the right to do so at a future time if an issue should arise with respect thereto.

Therefore, for at least the aforementioned reasons, Applicant respectfully requests withdrawal of the rejection of Claims 1, 3, 5-8, 10, 13, 14, and 19-20 under McDowell in view of Vick.

The Office Action rejected **Claims 6** under §103(a) as being unpatentable over McDowell in view of Vick and in further view of Ward US Pat. No. 5,087,273 ("Ward"). Applicant respectfully traverses the rejection and the modification, combination, and interpretation of the references.

It is well settled that in order for a modification or combination of the prior art to be valid, the prior art itself must suggest the modification or combination. None of the references suggests a reason to modify and combine the references as proposed.

In addition, even if the modification and combination were legally justified, it still would not render Applicant's claimed invention obvious. Applicant has amended Claim 1, from which Claim 6 depends, to incorporate limitations from now cancelled Claims 2, 4, and 9 in addition to Claim 17, which limitations are not taught by McDowell, Vick or Ward and would not render the claim obvious. As a result, because the references fail to disclose all of the limitations of Applicant's invention as claimed and the combination of all three references fails to render the same obvious, Applicant respectfully requests withdrawal of the rejection of Claim 6 thrcunder. Furthermore, the amendment renders the objections raised in the Office Action moot, and Applicant will not address them at this time but reserves the right to do so at a future time if an issue should arise with respect thereto.

Accordingly, Applicant respectfully requests withdrawal of the rejection of Claim 6 under McDowell and Vick in view of Ward for at least the aforementioned reasons.

The Office Action rejected **Claim 17** under §103(a) as being unpatentable over McDowell in view of Vick and in further view of Frignon US Pat. No. 4,563,333 ("Frigon"). The rejection is moot because the claim is canceled, but the Applicant reserves the right to formulate a substantive response to the rejection at a future time.

CONCLUSION

It is respectfully submitted that the case is now in condition for allowance, and an early

notification of the same is requested. If it is believed that a telephone interview will help further the prosecution of this case, Applicants respectfully request that the undersigned attorney be contacted at the listed telephone number.

Respectfully submitted,

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